

REMARKS/ARGUMENTS

Claims 23-29, 31, 32, and 34-44 are pending in this application. Of these pending claims, Claims 23-29, 31, 32, and 34-44 stand rejected. By way of this paper, Claims 23, 29, 34, 37, 38, and 40 have been amended; and Claims 24, 30-33, 35, 36, and 42-44 have been cancelled.

The foregoing amendments and following remarks are believed to be fully responsive to the outstanding office action, and are believed to place the application in condition for allowance.

Independent claims 23 and 34 have been amended so as to make it clear that the order terminal is not only associated with a business entity, but is actually controlled by that business entity. Support for the amendment is found on page 3, lines 15 through 21 of the present application. The independent claims have been further amended so as to make it clear that the digital storage device is not only associated with one of the service providers, but is actually provided by that service provider. Support for the amendment is found on page 30, lines 4 through 5. The dependent claims have been amended accordingly.

Some confusion was found in the claims between the functions of the service providers and the business entities. This confusion is corrected by the present amendment.

Claim Rejections – 35 U.S.C. 103

Claims 23-27, 29, 31, 32, 34 - 37, and 39 - 44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Reifel et al. '288 in view of Mizumo '311. The rejection, in so far as it applies to the claims as amended herein, is respectfully traversed.

The present invention relates to the establishment of business relationships between (1) service providers that provide digital storage devices and (2) business entities that control order terminals accessible by users. Reifel et al. is about service providers who establish business relationships with users by providing users with free digital cameras and making a profit on service charges or advertising revenue.

Claims 23 and 34 contain features not disclosed by the references of record. For example, claim 23 calls for allowing a user to order products using an order terminal “*controlled by a business entity.*” The Final Office Action suggests that Reifel et al. teach that a user may specify from **their** order terminal which print house or vendor should be used to provide prints, and that, based on the user’s selection, the order terminal is then associated with the selected print house.

However, to meet the terms of claims 23 and 34 quoted above, the order terminal would have to be controlled by one of the print houses, and not be an order terminal owned and controlled by the user.

Assuming arguendo that the references might be capable of combination, there is at least one limitation in the invention set forth in claims 23 and 34 that is not disclosed by the references individually or in combination. The claims include the limitations of using an order terminal *controlled by a business entity.* The primary reference fails to disclose these claim elements. The secondary reference fails to disclose the information undisclosed by the primary reference.

CONCLUSION

It is respectfully submitted that, in view of the above amendments and remarks, this application is now in condition for allowance, prompt notice of which is earnestly solicited.

The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this application towards allowance.

Respectfully submitted,



Stephen H. Shaw, Esq.
Attorney for Applicant(s)
Registration No. 45,404

SHS:ld/cvn

Telephone No.: 585-477-7419
Facsimile No.: 585-477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.